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CONNOLLY BOVE LODGE & HUTZ LLP
1875 EYE STREET, N.W.
SUITE 1100
WASHINGTON, DC 20036

EXAMINER	
BROOKS, SHANNON	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/538,977	RINNE, MIKKO	
	Examiner	Art Unit	
	Shannon R. Brooks	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 December 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13 and 15-38* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13 and 15-38* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *14 June 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 11/20/07 have been fully considered but they are not persuasive.

The Applicant argues that all of the independent Claims 1, 13, 15-17, and 26 do not disclose the features of a communications network generally providing "at least a direct cell access mechanism and an alternative cell access mechanism and that the direct cell access mechanism enables the communications device to directly start sending user data on a traffic channel without requesting access resources when user data is available to send." However, Suzuki clearly discloses a method in which a base station can perform the assignment of a traffic channel without communicating with another base station or control station using control information necessary for traffic channel assignment (Col. 2, lines 48-56). Suzuki clearly teaches a measurement-based (Col. 2, lines 28-39) direct cell access method (read as reduced interference and high radio channel quality in a low traffic density cell area (Col. 2, lines 12-18 and 33-39), and a measurement-based alternative method (read as a higher capacity and relatively lower quality channel in higher traffic density cell area, Col. 2, lines 19-33. Note that the Applicant uses a measurement-based (Pg. 3, [0037]) direct cell method when the cell traffic is low and a measurement-based (Pg. 3, [0037]) alternative when the cell is loaded with traffic (Pg. 2, [0031]).

The Applicant argues that "determining by the communications network and indicating to the communications device whether the direct cell access mechanism can at a given time be

provided" is not taught in Suzuki. However, Suzuki clearly discloses that the base station CPU selects a candidate traffic channel on the basis of measured data, presents the candidate to the mobile device for analysis, and either accepts the analysis results or rejects the results (Col. 6, lines 20-45 or Col. 5, line 17 to Col. 6, line 45 for a more complete discussion, also Col. 4, lines 47-59 for a short discussion). Therefore, the base station makes the final acceptance or rejection of the channel by "indicating to the communications device whether the direct cell access mechanism can, at a given time, be provided". Suzuki clearly reads on the argued claim limitations.

The Applicant has communicated a lack of understanding of how Col. 3, lines 48-56 are relevant to the discussed subject matter. The Examiner has not cited Col. 3, lines 48-56, but Col. 2, lines 48-56 are discussed above.

The Applicant argues that the mobile station, not the base station determines availability of the traffic channel selected by the base station. However, as previously discussed, the base station determines the availability of the traffic channel because it either accepts or rejects the analysis of the mobile (Col. 5, line 17 to Col. 6, line 45 for a complete discussion).

The Applicant argues that the channels provided by Suzuki are not "generally provided." However, Suzuki discusses a system that goes through various traffic channels, measuring received signal strength on each, until it finds a channel that can be selected. The method includes selecting by direct and alternate cell methods as discussed above. Thus channels are

generally (read as usually or as a rule) provided. The Examiner disagrees with the Applicant's assertion that blocking indicates that Suzuki's channels are not "generally provided."

The Applicant argues further that in Suzuki, the base station selects a channel and the mobile makes the decision as to whether to provide the channel (i,e., to decide whether or not it is available). However, as previously discussed : "Suzuki clearly discloses that the base station CPU selects a candidate traffic channel on the basis of measured data, presents the candidate to the mobile device for analysis, and either accepts the analysis results or rejects the results of the mobile(Col. 6, lines 20-45 or Col. 5, line 17 to Col. 6, line 45 for a more complete discussion, also Col. 4, lines 47-59 for a short discussion)". Therefore, the base station makes the final decision as to whether a channel is provided.

The Applicant argues that there is no generally provided alternative access mechanism (i.e, another candidate channel must be selected by the base station and evaluated by the mobile station). However, an alternate access process that utilizes a higher capacity and relatively lower quality channel in higher traffic density cell area has clearly been describes above.

The Applicant argues that Suzuki et al. is somehow dealing with the argued access mechanisms improperly. However, as previously discussed, Suzuki discloses direct and alternative access methods that clearly read on the argued claim limitations.

The Applicant states that Elliott, Parantainten, and Verdine do not remedy the shortcomings of Suzuki. However, that Elliott, Parantainten, and Verdine are all exemplary references from relevant subclasses that, alone or in combination, read upon the argued claim limitations as discussed above and as set forth in the following office action.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1-4, 12-13, 15-18, 25-28, and 35-37** are rejected under U.S.C. 102(b) as being anticipated by Suzuki et al. (US 5903843).

Consider **Claim 1**, Suzuki teaches a method for a system comprising a communications device and a communications network, the method comprising: generally providing by the communications network, at least a direct cell access mechanism (read as base station can perform a traffic channel assignment without communicating with another base station or control

station, Col .2, lines 48-56 wherein an early indication of an available traffic channel is based on low traffic density measurements, Col. 5, lines 17-67 and Col. 6, lines 1-45) and an alternative cell mechanism for the communications device for uplink access to the communications network (base station can perform a traffic channel assignment without communicating with another base station or control station , Col. 2, lines 48-56 wherein an early indication of an available traffic channel based on high traffic density measurements, Col. 5, lines 17-67 and Col. 6, lines 1-45) wherein the direct cell access mechanism is a mechanism enabling the communications device to directly start sending user data on a traffic channel without requesting access resources when user data is available to send (read as base station informs mobile of candidate and mobile concurs and data is exchanged, Col. 4, lines 47-59); and determining by the communications network and indicating to the communications device whether the direct cell access mechanism can at a given time be provided (read as base station informs mobile of selection, Col. 4, lines 47-59).

Consider **Claim 13**, Suzuki et al. clearly disclose and teach a communications device **(Fig. 1, Blocks 300-A through 300-N)** configured for operation with a communications network **(Fig. 1)**, which communications network generally provides at least a direct cell access mechanism **(read as reduced interference and high radio channel quality in low traffic density) (Col. 2, lines 12-18 and 33-39)** and an alternative cell access mechanism **(read as a higher capacity and relatively lower quality channel in higher traffic density)(Col. 2, lines 19-33)** for the communications device for uplink access to the communications network **read as traffic channel assigned to a mobile)(Col. 2, lines 9-10 and Col. 4, lines 47-59))**, wherein the direct cell access mechanism is a mechanism enabling the communications device to directly

start **based on a channel selection mode with low traffic density where an available channel with a greater CIR threshold value is chosen)(see Abstract and Col. 2, lines 33-39)** sending user data on a traffic channel **(Col. 2, lines 4-11)** without requesting access resources when user data is available to send (read as base station selects a candidate and mobile concurs, Col. 4, lines 47-59), the communications device comprising: means (RF, MCU, 515, SW)**(read as RF, Block 309, a processor, Block 305, memory, Block 304)(Fig. 3)**, and software **(read as part of CPU)(Fig. 3)** for receiving an indication sent by the communications network, the indication indicating to the communications device whether the direct cell access mechanism can at a given time be provided **(Col. 5, lines 17-40)**.

Consider **Claim 15**, Suzuki clearly discloses a base station of a communications network comprising: means for generally providing at least a direct cell access mechanism (read as base station can perform a traffic channel assignment without communicating with another base station or control station, Col .2, lines 48-56 wherein an early indication of an available traffic channel is based on low traffic density measurements, Col. 5, lines 17-67 and Col. 6, lines 1-45) and an alternative cell mechanism for the communications device for uplink access to the communications network (base station can perform a traffic channel assignment without communicating with another base station or control station , Col. 2, lines 48-56 wherein an early indication of an available traffic channel based on high traffic density measurements, Col. 5, lines 17-67 and Col. 6, lines 1-45), wherein the direct cell access mechanism is a mechanism enabling the communications device to directly start sending user data on a traffic channel without requesting access resources when user data is available to send (read as base station informs mobile of selection, Col. 4, lines 47-59).; and means for determining by the

communications network and indicating to the communications device whether the direct cell access mechanism can at a given time be provided (read as base station informs mobile of selection, Col. 4, lines 47-59).

Consider **Claim 16**, Suzuki et al. clearly disclose and teach a system comprising a communications device and a communications network, the communications network comprising: means for generally providing at least a direct cell access mechanism read as base station can perform a traffic channel assignment without communicating with another base station or control station, Col .2, lines 48-56 wherein an early indication of an available traffic channel is based on low traffic density measurements, Col. 5, lines 17-67 and Col. 6, lines 1-45) and an alternative cell mechanism for the communications device for uplink access to the communications network (read as base station can perform a traffic channel assignment without communicating with another base station or control station , Col. 2, lines 48-56 wherein an early indication of an available traffic channel is based on high traffic density measurements, Col. 5, lines 17-67 and Col. 6, lines 1-45), wherein the direct cell access mechanism is a mechanism enabling the communications device to directly start sending user data on a traffic channel without requesting access resources when user data is available to send (read as base station informs mobile of candidate and mobile concurs and data is exchanged, Col. 4, lines 47-59); and means for determining and indicating to the communications device whether the direct cell access mechanism can at a given time be provided (read as base station informs mobile of selection, Col. 4, lines 47-59); **and the communication device comprising:** means (RF, MCU,

515, SW))**(read as RF, Block 210, a processor, Block 204, memory, Block 203)(Fig. 2)**, and software **(read as part of CPU)(Fig. 2)** for receiving said indication.

Consider **Claim 17**, Suzuki discloses a communications device configured for operation with a communication network, the communications device comprising, a receiver (mobile station) for receiving an indication sent by the communications network (informed of a candidate, Col. 5, lines 17-41) the indication indicating to the communications device whether a direct cell access mechanism that is generally provided by the communications network can at a given time be provided (Col. 5, lines 17-41), the communications device being configured to use said direct cell access mechanism in response to receiving said indication (Col. 5, lines 17-41), wherein the direct cell access mechanism is a mechanism enabling the communications device to directly start sending user data on a traffic channel without requesting access resources when user data is available to send (read as base station informs mobile of selection, Col. 4, lines 47-59).

Consider **claim 18,** Suzuki discloses a communications device wherein the communication device is a hand-held device of a cellular communications network (read as cordless, Col. 3, lines 58-65).

Consider **Claim 2**, Suzuki et al. clearly disclose and teach a method according to claim 1, wherein in a situation in which the direct cell access can not be provided the method comprises: indicating to the communications device that the alternative cell access mechanism should be used **((Col. 5, lines 17-40)**.

Consider **Claim 3**, Suzuki et al. clearly disclose and teach a method according to claim 2, wherein the alternative cell access mechanism **(read as a higher capacity and relatively lower quality channel in higher traffic density)(Col. 2, lines 19-33)** comprises using a separate access channel for uplink access **(Fig. 9 And Col. 9, lines 48-53)**.

Consider **Claim 4**, Suzuki et al. clearly disclose and teach a method according to claim 1, wherein said indicating whether the direct cell access mechanism **(read as reduced interference and high radio channel quality in low traffic density) (Col. 2, lines 12-18 and 33-39)** can be provided comprises indicating whether the communications device can directly start sending user data on a traffic channel at a high data rate.

Consider **Claim 12**, Suzuki et al. clearly disclose and teach a method according to claim 1, wherein the communications network comprises a base station serving a cell of a mobile communications system **(Fig. 1, Blocks 200-A through 200-N)**, and wherein the method comprises: performing traffic and/or radio measurements by the base station **(received signal strength level of interference wave) (Col. 4, lines 19-59)**; and determining by the base station whether the direct cell access mechanism can at a given time be provided on the basis of said measurements **(Col. 5., lines 32-41).**

Consider **claim 25**, Suzuki discloses wherein the communications device is configured to receive a parameter value (signal strength) indicating whether the direct cell access mechanism is enabled (Col. 5, lines 32-41).

Consider **claim 26**, Suzuki discloses an apparatus comprising:

A module configured to provide generally at least a direct cell access mechanism (read as base station can perform a traffic channel assignment without communicating with another base station or control station, Col .2, lines 48-56 wherein an early indication of an available traffic channel is based on low traffic density measurements, Col. 5, lines 17-67 and Col. 6, lines 1-45) and an alternative cell access mechanism for a communications device for uplink access to a communications network (base station can perform a traffic channel assignment without communicating with another base station or control station , Col. 2, lines 48-56 wherein an early indication of an available traffic channel based on high traffic density measurements, Col. 5, lines 17-67 and Col. 6, lines 1-45), wherein the direct cell access mechanism is a mechanism enabling the communications device to directly start sending user data on a traffic channel, without requesting access resources when user data is available to send (read as base station informs mobile of candidate and mobile concurs and data is exchanged, Col. 4, lines 47-59); and a determination module and a transmitting means for determining and indicating to the communications device whether the direct access mechanism can at a given time be provided (Col. 5, lines 17-41).

Consider **claim 27,** Suzuki teaches an apparatus wherein the apparatus is configured to operate as a base station of the communications network (Fig. 2, and Col. 4, lines 19-67).

Consider **claim 28**, Suzuki teaches the apparatus wherein in a situation in which the direct cell access can not be provided (read as low traffic density measurements not detected), the apparatus is configured to indicate to the communications device that the alternative cell access mechanism should be used (base station can perform a traffic channel assignment without communicating with another base station or control station , Col. 2, lines 48-56 wherein an early

indication of an available traffic channel based on high traffic density measurements, Col. 5, lines 17-67 and Col. 6, lines 1-45)).

Consider **claim 35,** Suzuki discloses an apparatus wherein the apparatus is configured to indicate whether the direct cell access mechanism can be provided by transmitting a message comprising a parameter value indicating whether the direct cell access mechanism is enabled (read as received signal strength, Col. 5, lines 17-41).

Consider **claim 36,** Suzuki teaches an apparatus wherein the apparatus is configured to operate as a base station of the communications network and wherein the apparatus is configured to perform traffic and/or radio measurements and to determine whether the direct cell access mechanism can at a given time be provided on the basis of said measurements (Col. 5, lines 17-41).

Consider **claim 37,** Suzuki discloses a method wherein, in the direct cell access mechanism, the communications network broadcasts that a direct link access to a traffic channel is permitted (read as synthesizer supplies frequency, Col. 5, lines 17-41).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject

matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. **Claims 5-11, 20-21, and 31-32** are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al. (US 5903843) in view of Elliott (US 6963747 B1).

Consider **Claim 11**, Suzuki et al. clearly disclose and teach a method according to claim 7, wherein said message conveys to the communications device a parameter value **(CIR)** indicating whether the direct cell access mechanism is enabled **(Col. 2, lines 33-39) and Fig. 12).**

Consider **Claim 5**, Suzuki et al. teach a method , but fail to teach a method wherein a radio interface between the mobile communications device and the base station is layered into protocol layers which form a protocol stack, and the traffic channel forms part of a logical traffic channel operating on a data link layer (Layer 2) of the protocol stack.

However, Elliott teaches wherein a radio interface between the mobile communications device and the base station is layered into protocol layers which form a protocol stack, and the traffic channel forms part of a logical traffic channel operating on a data link layer (Layer 2) of the protocol stack **(read as ad-hoc networks are LANs that operate at Layer 2, Figs. 4A and 4B, and Col. 2, lines 43-56))**.

Therefore, it would have been obvious to one skilled in the art to combine the teaching of Elliot and Suzuki to aid in allowing distinct transmit schedules **(Col. 2, lines 64-67)**.

Consider **Claim 6**, Suzuki et al. teach a method wherein said indicating whether the communications device can directly start sending user data on a traffic channel (Col. 6, lines 19-45) but fail to specifically teach is carried out on a network layer (Layer 3) of the protocol stack.

However, Elliott teaches wherein sending user data on a traffic channel is carried out on a network layer (Layer 3) of the protocol stack (read as uses IP, Col. 5, lines 56-63).

Therefore, it would have been obvious to one skilled in the art to combine the teachings of Elliott and Suzuki to aid in employing a preferable protocol (Col. 5, lines 56-63).

Consider **Claim 7**, Suzuki et al. teach a method, wherein said indicating whether the direct cell access mechanism can be provided but fails to specifically teach a method wherein said indicating whether the direct cell access mechanism can be provided is performed by sending a broadcast message to a set of communications devices including the communications device of claim 1.

However Elliott teaches a method wherein said indicating whether the direct cell access mechanism can be provided is performed by sending a broadcast message **(Col. 2, lines 9-19)** to a set of communications devices including the communications device of claim 1.

Therefore, it would have been obvious to one skilled in the art to combine the teachings of Elliott and Suzuki in order to disseminate channel access schedules **(Col. 2, lines 17-18)**.

Consider **Claim 8**, Suzuki et al. teach a method, but fail to specifically teach a method wherein said broadcast message contains a parameter value further restricting the set of communications devices.

However, Elliott teaches a method wherein said broadcast message **(Col. 2, lines 9-19)** contains a parameter value (schedule collision avoidance parameters)**(Col. 7, lines 22-41 and Fig. 2)** further restricting the set of communications devices.

Therefore, it would have been obvious to one skilled in the art to combine the teachings of Elliott and Suzuki in order to aid in harmonizing collision avoidance schedules (**Col. 7, lines 33-50)**

Consider **Claim 9**, Suzuki et al. teach a method, wherein said indicating whether the direct cell access mechanism can be provided but fail to specifically teach a method, wherein said indicating whether the direct cell access mechanism can be provided is performed by sending a multicast message to a limited set of communications devices including the communications device of claim 1.

However, Elliott teaches a method, wherein said indicating whether the direct cell access mechanism can be provided is performed by sending a multicast message (read as disseminate to a small group of nodes)(Col. 3, lines 61-67) to a limited set of communications devices including the communications device of claim 1.

Therefore, it would have been obvious to one skilled in the art to combine the teachings of Elliott and Suzuki in order aid in the dissemination of transmission schedules **(Col. 3, lines 61-67).**

Consider **Claim 10**, Suzuki et al. teach a method, wherein said indicating whether the direct cell access mechanism can be provided but fail to specifically teach wherein said indicating whether the direct cell access mechanism can be provided is performed by sending a point-to-point message to the communications device.

However, Elliott teaches a method wherein said indicating whether the direct cell access mechanism can be provided is performed by sending a point-to-point message (Col. 4, line 2) to the communications device.

Therefore, it would have been obvious to one skilled in the art to combine the teachings of Elliott and Suzuki in order to use a reliable point-to-point protocol such as TCP **(Col. 4, lines 2-3).**

Consider **claim 20, Suzuki** discloses the communications device but Suzuki fails to specifically teach the communications device wherein a radio interface between the mobile communications device and the communications network is layered into protocol layers which form a protocol stack, and the traffic channel forms part of a logical traffic access channel operating on a data link layer (Layer 2) of the protocol stack.

However, Elliott teaches the communications device wherein a radio interface between the mobile communications device and the communications network is layered into protocol layers which form a protocol stack, and the traffic channel forms part of a logical traffic channel operating on a data link layer (Layer 2) of the protocol stack (read as LANs operate at Layer 2 as in ad hoc networks of Figs. 4A and 4B, Col.2, lines 43-56).

Therefore, it would have been obvious to one skilled in the art to combine the teaching of Elliot and Suzuki to aid in allowing distinct transmit schedules **(Col. 2, lines 64-67)**.

Consider **claim 21, Suzuki** discloses a communications device wherein said indicating whether the communications device can directly start sending on a traffic channel is carried out

(Col. 6, lines 19-45), but Suzuki fails to specifically teach on a network layer (Layer 3) of the protocol stack.

However, Elliott teaches wherein sending user data on a traffic channel is carried out on a network layer (Layer 3) of the protocol stack (read as uses IP, Col. 5, lines 56-63).

Therefore, it would have been obvious to one skilled in the art to combine the teachings of Elliott and Suzuki to aid in employing a preferable protocol (Col. 5, lines 56-63).

Consider **claim 31,** Suzuki disclose an apparatus, but Suzuki fails to disclose an apparatus wherein a radio interface between the apparatus and the communications device is layered into protocol layers which from a protocol stack, and the traffic channel forms part of a logical traffic channel operating on a data link layer (Layer 2) of the protocol stack.

However, Elliott teaches an apparatus wherein a radio interface between the mobile communications device and the communications device is layered into protocol layers which form a protocol stack, and the traffic channel forms part of a logical traffic channel operating on a data link layer (Layer 2) of the protocol stack (read as LANs operate at Layer 2 as in ad hoc networks of Figs. 4A and 4B, Col.2, lines 43-56).

Therefore, it would have been obvious to one skilled in the art to combine the teaching of Elliot and Suzuki to aid in allowing distinct transmit schedules **(Col. 2, lines 64-67)**.

Consider **claim 32,** Suzuki teaches an apparatus wherein said indicating whether the communications device can directly start sending on a traffic channel is carried out (Col. 6, lines 19-45), but Suzuki fails to specifically teach carrying out on a network layer (Layer 3) of the protocol stack.

However, Elliott teaches wherein sending user data on a traffic channel is carried out on a network layer (Layer 3) of the protocol stack (read as uses IP, Col. 5, lines 56-63).

Therefore, it would have been obvious to one skilled in the art to combine the teachings of Elliott and Suzuki to aid in employing a preferable protocol (Col. 5, lines 56-63).

6. **Claims 19and 30** are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al. (US 5903843) in view of Vedrine (WO 01/86889 A1)

Consider **claim 19, Suzuki** discloses a communications device wherein said indicating whether the direct cell access mechanism can be provided comprises indicating whether the communications device can directly start sending user data on a traffic channel (Read as base station selects candidate, mobile concurs and data is sent, Col. 5, lines 17-41), but Suzuki fails to specifically teach at a high data rate.

However, Vedrine teaches sending data on a traffic channel at a high data rate (read as in real time, Pg. 4, lines 28-30).

Therefore, it would have been obvious to one skilled in the art at the time of the invention to combine the teaching of Vedrine and Suzuki to aid in allowing real time access.

Consider **claim 30**, Suzuki teaches an apparatus wherein said indicating whether the direct cell access mechanism can be provided comprises indicating whether the communications device can directly start sending user data on a traffic channel but Suzuki fails to specifically teach sending user data at a high data rate.

However, Vedrine teaches sending data on a traffic channel at a high data rate (read as in real time, Pg. 4, lines 28-30).

Therefore, it would have been obvious to one skilled in the art at the time of the invention to combine the teaching of Vedrine and Suzuki to aid in allowing real time access (Pg. 4, lines 28-30).

7. **Claims 22-24, 29, 33-34, and 38** are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al. (US 5903843) in view of Paratainen (WO 02/17668 A1)

Consider **claim 22,** Suzuki teaches a communications device but Suzuki fails to specifically teach the communications device wherein the communications device is configured to receive a broadcast message comprising said indication.

However, Parantainen teaches the communications device wherein the communications device is configured to receive a broadcast message comprising said indication Pg. 5, lines 24-28).

Therefore, it would have been obvious to one skilled in the art at the time of the invention to combine the teachings of Parantainen and Suzuki in order to aid in fast access (Pg. 5, lines 24-28).

Consider **claim 23,** Suzuki teaches a communications device but fails to specifically teach the communications device wherein the communications device is configured to receive a multicast message comprising said indication.

However, Parantainen teaches the communications device wherein the communications device is configured to receive a broadcast message comprising said indication Pg. 5, lines 24-28).

Therefore, it would have been obvious to one skilled in the art at the time of the invention to combine the teachings of Parantainen and Suzuki in order to aid in informing every mobile (Pg. 5, lines 24-28).

Consider **claim 24,** Suzuki teaches a communications device but fails to specifically teach a communications device wherein the communications device is configured to receive a point-to-point message comprising said indication.

However, Parantainen teaches a communications device wherein the communications device is configured to receive a point-to-point message comprising said indication (Pg. 5, lines 24-28)

. Therefore, it would have been obvious to one skilled in the art at the time of the invention to combine the teachings of Parantainen and Suzuki in order to aid in transmitting information messages (Pg. 5, lines 24-28).

Consider **claim 29**, Suzuki teaches an apparatus but Suzuki fails to specifically teach an apparatus wherein the alternative cell access mechanism comprises using a separate access channel for uplink access.

However, Paratainen teaches an apparatus wherein the alternative cell access mechanism comprises using a separate access channel for uplink access (Pg. 6, lines 5-7).

Therefore, it would have been obvious to one skilled in the art at the time of the invention to combine the teaching of Suzuki and Parantainen in order to aid in sending plural network messages (Pg. 6, lines 5-7)

Consider **claim 33**, Suzuki teaches an apparatus but Suzuki fails to specifically teach the apparatus wherein the apparatus is configured to indicate whether the direct cell access mechanism can be provided by transmitting a broadcast message, multicast message or point-to-point message(s).

However, Parantainen teaches the apparatus wherein the apparatus is configured to indicate whether the direct cell access mechanism can be provided by transmitting a broadcast message, multicast message or point-to-point message(s) Pg. 5, lines 24-28).

Therefore, it would have been obvious to one skilled in the art at the time of the invention to combine the teachings of Parantainen and Suzuki in order to aid in informing every mobile (Pg. 5, lines 24-28).

Consider **claim 34,** Suzuki discloses an apparatus, but Suzuki fails to specifically disclose an apparatus wherein the apparatus is configured to indicate whether the direct cell access mechanism can be provided by transmitting a broadcast message and wherein said broadcast message contains a parameter value restricting the set of communications devices to which the message is to be transmitted.

However, Parantainen teaches an apparatus wherein the apparatus is configured to indicate whether the direct cell access mechanism can be provided by transmitting a broadcast message and wherein said broadcast message contains a parameter value restricting the set of communications devices to which the message is to be transmitted Pg. 5, lines 24-28).

Therefore, it would have been obvious to one skilled in the art at the time of the invention to combine the teachings of Parantainen and Suzuki in order to aid in fast access (Pg. 5, lines 24-28).

Consider **claim 38,** Suzuki disclose a method but fails to specifically teach a method wherein, in the alternative cell access mechanism a two step process occurs in which the communications device first requests access to communications network (page 7 lines 24-29). However, Paratainen teaches a method wherein, in the alternative cell access mechanism a two step process occurs in which the communications device first requests access to communications network (read as denied fast access due to load and then allowed regular access, Pg. 7 lines 24-29).

Therefore, it would have been obvious to one skilled in the art at the time of the invention to combine the teachings of Parantainen and Suzuki to allow for loading issues (Pg. 7, lines 24-29).

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any response to this Office Action should be **faxed to** (571) 273-8300 **or mailed to**:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

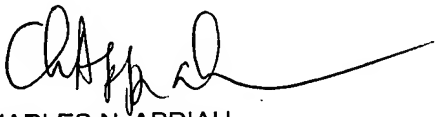
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shannon Brooks whose telephone number is (571) 270-1115. The examiner can normally be reached on Monday - Friday, 8:00 a.m. - 5:00 p.m., EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shannon R. Brooks

January 30, 2008



CHARLES N. APPIAH
SUPERVISORY PATENT EXAMINER